

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CRIMINAL #04-10288-RWZ

UNITED STATES

v.

JOSEPH ALLEN

DEFENDANT'S MOTION FOR NECESSARY *VOIR DIRE* OF PROSPECTIVE JURORS

Joseph Allen, defendant in the above-captioned criminal case, hereby moves this Court, pursuant to F.R.Crim.P.24(a)(2)(B) and the Fifth and Sixth Amendments to the United States Constitution, to ask all prospective jurors, in substance, the questions set forth below. As grounds therefore, the defendant avers that such examination is necessary to determine whether or not each prospective juror stands indifferent or would be affected by unfair bias or prejudice in this case.

Proposed *Voir Dire* Questions

1. Have you heard or read anything about this case prior to coming to the courthouse today?
2. Have you or any member of your immediate family ever worked as an employee or volunteer for any federal, state, or local law enforcement agency?
3. Have you or any member of your immediate family ever been the victim of a crime?
4. Are you a member of any organization whose principal purpose is to combat crime or

drug abuse?

5. The witnesses in this case will include law enforcement officers. Would you judge the credibility of a law enforcement officer differently than that of any other witness merely because of his or her profession?
6. Do you have any opinion or feeling about persons who use Oxycontin or other unlawful drugs which would hamper your ability to render a verdict based solely upon the evidence and the Court's instructions regarding the applicable law in this case if there is evidence that a particular defendant or defendants used such drugs?
7. Under our Constitution, a person who has been charged with a crime has absolutely no duty to testify or present evidence in his own behalf. He can simply challenge the sufficiency and credibility of the evidence presented by the government, if he chooses to do so. Are you willing and able to apply these constitutional principles in this case in the event that either or both defendants chooses not to testify or to present any evidence in his own behalf?

The defendant further moves that any affirmative responses to any of the *voir dire* questions set forth above be followed up through individual questioning conducted out of the hearing of the jury pool as a group, but in the presence of the defendant.

Respectfully submitted,

JOSEPH ALLEN

By his attorneys,

/s/ James L. Sultan

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on May 4, 2006.

/s/ James L. Sultan

James L. Sultan